

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73589 of 2018

Arising Out of PS. Case No.-288 Year-2011 Thana- COMPLAINT CASE District- Jamui

Subhash Chandra Barma @ Subhash Chandra Verma, Son of Late Ram Sharan Lal Verma, Resident of Village- Malaypur, Police Station- Malaypur, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nirmala Devi, Wife of Mahendra Mandal, Village- Malaypur, P.S.- Malaypur, District- Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar
For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a protest-cum-complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 376/511 of the IPC.

The prosecution case got initiated with the filing of Complaint Case No. 1116C of 2008 by Nirmala Devi, alleging therein that on 12.09.2008, in the morning when the informant went outside to ease, the petitioner attempted to ravish her. Subsequently, the complaint got registered as Barhat P.S. Case No. 149 of 2008 after the complaint being transferred under Section 156(3) of the Cr.P.C. On conclusion of the investigation,



the petitioner was not sent up for trial and final form was submitted, but on protest the matter proceeded and cognizance was taken. However, the petitioner challenged the order of cognizance which was quashed in revision, but the said order passed in revision was unsettled by a Bench of this Court in exercise of jurisdiction under Section 482 of the Cr.P.C.

It is submitted by learned counsel for the petitioner that though for the occurrence of 12.09.2008 the FIR was registered on 13.10.2008, but prior to that one Rakhi Kumari lodged a case being Barhat P.S. Case No. 116 of 2008 with the accusation under Sections 341,376 and 511/34 of the IPC against Bibhash Kumar Singh and Brahmdeo Mandal. It is further submitted that Brahmdeo Mandal is the son of present informant Nirmala Devi and in the said case the petitioner was the witness. Hence, as a retaliatory measure the present case has been registered. There is no medical report on record.

Learned APP submits that after finding prima facie case the cognizance has been taken.

Considering the case lodged by the petitioner's side being earlier in point of time and the accusation being found false on conclusion of investigation, coupled with statement being made in paragraph 3 of the petition that the petitioner is



not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Jamui in connection with Complaint Case No. 288C of 2011 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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